

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Advanced Television Systems)	MM Docket No. 87-268
and Their Impact Upon the)	
Existing Television Broadcast)	
Service)	

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION
FILED BY CAPITAL TELEVISION CORPORATION**

By its attorneys and pursuant to Section 1.429(f) of the Commission's rules, Central Virginia Educational Telecommunications Corporation ("CVETC"), licensee of television station WCVW-TV, Richmond, Virginia, hereby opposes the June 13, 1997 petition filed by Capital Television Corporation ("Capital"), the licensee of low power television ("LPTV") station W44BP, Petersburg, Virginia for reconsideration of the *Sixth Report and Order* in the above referenced proceeding.¹ Specifically, CVETC opposes Capital's request that WCVW's paired channel for digital television ("DTV") service be changed from Channel 44 to Channel 28.

In its petition, Capital states that the allotment of DTV Channel 44 to WCVW will require W44BP either to cease operation altogether or to change its channel frequency, as W44BP's continued use of Channel 44 would impermissibly interfere with the digital operation of WCVW. Capital does not, however, provide any showing whatsoever to demonstrate that

¹ *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

DTV Channel 28 is a viable alternative. Moreover, the Commission's position on this matter is very clear: secondary stations are not to be accorded the same status or level of interference protection given to full-power stations during the DTV transition. Thus, in the *Fifth Report and Order* in the above captioned proceeding, the Commission stated, "[w]e previously determined that there is insufficient spectrum to include LPTV stations and translators, *which are secondary under our rules and policies*, to be initially eligible for a DTV channel" and "in order to provide DTV allotments for existing full service stations, it will be necessary to displace LPTV stations and TV translator stations to some degree."²

Recognizing that many LPTV stations must be displaced, the Commission has adopted a number of measures to minimize the impact on secondary stations. For example, LPTV stations are permitted to continue operations until a displacing DTV station is operational.³ An LPTV station may also apply for a suitable replacement channel without being subject to competing applications.⁴ In addition, the Commission has issued a number of technical rule changes to provide LPTV stations with additional operating flexibility.⁵

Given the clarity of the Commission's position that LPTV and TV translator stations are secondary to full-power stations and the Commission's efforts to minimize the DTV transition's impact on LPTV stations, there is no reason to change WCVW's DTV channel at this time.

² *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (released April 21, 1997) at 18 (emphasis added).

³ *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) at 142.

⁴ *Id.* at 144.

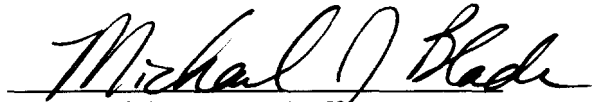
⁵ *Id.* at 145.

Furthermore, given the total lack of support for Capital's conclusion that Channel 28 is a viable option for WCVW, CVETC respectfully submits that station W44BP should avail itself of the applicable displacement minimization measures that the Commission has made available to it. Alternatively, if Capital can provide a complete engineering study showing that DTV Channel 28 is a technically superior channel, CVETC may reconsider the matter. Absent this type of showing, however, CVETC requests that WCVW remain on DTV Channel 44.

For the foregoing reasons, CVETC respectfully requests that the Commission deny Capital's petition and retain WCVW's DTV allotment of Channel 44.

Respectfully submitted,

**CENTRAL VIRGINIA EDUCATIONAL
TELECOMMUNICATIONS CORPORATION**

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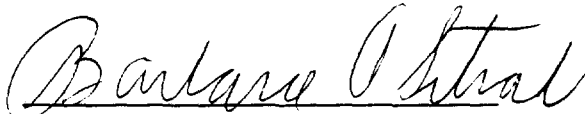
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July 18, 1997

CERTIFICATE OF SERVICE

I, Barbara A. Litvak, hereby certify that the forgoing Opposition to Petition for Reconsideration filed by Capital Television Corporation has been sent, by first class mail, postage prepaid, on this 17th day of July, 1997, to the following party:

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